

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-15 are currently pending. Claims 1, 2, 5, 6, 9, and 10 have been amended; and Claim 16 has been added by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1 and 3 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-15 of U.S. Patent No. 5,544,289 to Motoyama (hereinafter “the ‘289 patent”) in view of U.S. Patent No. 5,935,262 to Barrett et al. (hereinafter “the ‘262 patent”); Claims 1-3, 5-7, and 9-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,282,127 to Mii (hereinafter “the ‘127 patent”) in view of U.S. Patent No. 6,430,711 to Sekizawa (hereinafter “the ‘711 patent”); and Claims 4, 8, and 12-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over the ‘127 and ‘711 patents, further in view of U.S. Patent No. 5,901,286 to Danknick et al. (hereinafter “the ‘286 patent”).

Amended Claim 1 is directed to a method of monitoring an image handing device communicatively coupled to the Internet, comprising: (1) obtaining, by a first monitoring computer over the Internet, device information of the image handling device, the device information including status information obtained from sensors of the image handling device, and a device identification of the image handling device; (2) storing, by the first monitoring computer, the obtained device information; (3) processing the stored device information by the first monitoring computer to generate a period usage report for the image handling device, wherein the period usage report is based on the status information obtained over a predetermined period of time; (4) transmitting the usage report over the Internet from the first monitoring computer to a second monitoring computer; and (5) receiving the usage report by

the second monitoring computer. Further, amended Claim 1 recites that the first monitoring computer is remote from the image handling device, and the first monitoring computer is the first computer to obtain the device information from the image handling device. Claim 1 has been amended to clarify that communication between the first monitoring computer and the image handling device is over the Internet, and that communication between the first monitoring computer and the second monitoring computer is over the Internet. The changes to the claims are supported by the originally filed specification and do not add new matter.¹

Applicants respectfully submit that the double patenting rejection of Claims 1 and 3 is rendered moot by the present amendment to Claim 1.

Claim 1 of the '289 patent is directed to a method, comprising: (1) storing semi-static data in a business office device, the semi-static data including data which may change infrequently over a life of the business office device; (2) initiating communication between the business office device and a computer, by the business office device; (3) transmitting the semi-static data from the business office device to the computer; and (4) receiving the semi-static data by the computer. However, Applicants respectfully submit that '289 Claim 1 fails to recite the steps of obtaining status information from sensors of an image handling device and a device identification of an image handling device, as recited in Claim 1. Further '289 Claim 1 fails to disclose processing stored device information by the first monitoring device to generate a usage report of the image handling device, wherein the period usage report is based on the status information obtained for a predetermined period of time. Further, the '289 Claim 1 fails to recite transmitting the usage report over the Internet from the first monitoring device to a second monitoring device, and also fails to disclose that the first monitoring device is remote from the image handling device and the first monitoring computer is the first computer to obtain the device information from the image handling

¹ See, e.g., Figure 11 and the discussion related thereto in the specification.

device, as recited in amended Claim 1. Further, '289 Claim 1 fails to recite that the first monitoring computer obtains the device information of the image handling device over the Internet, as recited in amended Claim 1.

Applicants respectfully submit that the '262 patent fails to remedy the deficiencies of the '289 patent, as discussed above. In particular, the '262 patent is directed to a network device that interfaces between a local area network and an image forming apparatus. As shown in Figure 1, the '262 patent discloses that the printer 102 that has a network expansion device (NED) 1001 directly attached to the printer 102. As shown in Figure 6, the NED includes 8-bit microprocessor 173, flash EPROM 174, and DRAM 175. Further, the '262 patent discloses that the NED 1001 can transfer information about the printer status to a local area network. However, Applicants respectfully submit that the '262 patent fails to disclose the step of obtaining, by a first monitoring computer over the Internet, device information of the image handling device, the device information including status information obtained from sensors of the image handling device and a device identification of the image handling device. Rather, the '262 patent discloses that the NED is directly attached to the printer. Further, the '262 patent discloses that “[i]ntegration of NED hardware, software and firmware with a peripheral eliminates the need to dedicate a network personal computer to act as a peripheral server.”² Moreover, Applicants respectfully submit that the '262 patent fails to disclose the communication over the Internet recited in Claim 1. Moreover, the '262 patent fails to disclose processing the stored device information by first monitoring device to generate a period usage report for the image handling device, wherein the period usage report is based on status information obtained over a predetermined period of time, as recited in amended Claim 1.

² '262 patent, column 4, lines 6-9. Emphasis added.

Accordingly, no matter how the '289 claims and the teachings of the '262 patent are combined, the combination does not teach or suggest all the limitations recited in Claim 1. In particular, the suggested combination does not teach or suggest a first monitoring computer that is remote from an image handling device, wherein the first monitor computer is the first computer to obtain device information from the image handling device. Further, the combination of the '289 claims and the '262 patent fails to disclose obtaining, by a first monitoring computer over the Internet, device information of the image handling device, and transmitting a usage report over the Internet from the first monitoring computer to a second monitoring computer. Accordingly, for the reasons stated above, Applicants respectfully traverse the obviousness-type double patenting rejection of Claim 1 and 3.

Applicants respectfully submit that their rejection of Claim 1 (and dependent Claims 2 and 3) under 35 U.S.C. §103 is rendered moot by the present amendment to Claim 1.

The '127 patent is directed to a centralized control system for a plurality of terminal devices (copy machines), comprising information collection means provided in each of the terminal devices for collecting information of the device status. Further, as shown in Figure 1, the '127 patent discloses that the copy machine transmits the status information to a communication unit 3, which then communicates the information to the center device 4. As shown in Figure 1, the '127 patent discloses that the status information is communicated over a transmission line 5, and a communication line 6, which is a private line "including a public telephone line, leased line or LAN (Local Area Network)."³ However, Applicants respectfully submit that the '127 patent fails to disclose obtaining, by a first monitoring computer over the Internet, device information of an imaging handling device, the device information including status information obtained from sensors of the image handling device and a device identification of the image handling device, as recited in Claim 1. The '127

³ '127 patent, column 4, lines 47-48.

patent does not disclose that such information is obtained by a first monitoring computer over the Internet.

The '711 patent is directed to a system and method for monitoring the state of a plurality of machines connected via a computer network. As shown in Figure 1, the '711 patent discloses that printers connected in a local area network send status information to an agent 10, which in turn sends an e-mail to the console unit 20. However, Applicants respectfully submit that the '711 patent fails to disclose obtaining, by a first monitoring computer over the Internet, device information of the image handling device, the device information including status information obtained from sensors of the image handling device and a device identification of the image handling device. Rather, the '711 patent discloses that the agent units 10 obtain the information from the printers over a local area network.

Thus, no matter how the teachings of the '127 and '711 patents are combined, the combination does not teach or suggest the obtaining step recited in Claim 1. Accordingly, Applicants respectfully submit that amended Claim 1 patentably defines over any proper combination of the '127 and '711 patents.

Independent Claims 5 and 9 recite limitations analogous to the limitations recited in Claim 1. Moreover, Claims 5 and 9 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claims 5 and 9 (and all similarly rejected dependent claims) are rendered moot by the present amendment to Claims 5 and 9.

Regarding the rejection of dependent Claims 4, 8, and 12-15 under 35 U.S.C. §103, Applicants respectfully submit that the '286 patent fails to remedy the deficiencies of the '127 and '711 patents, as discussed above. Accordingly, Applicants respectfully submit that

the rejections of Claims 4, 8, and 12-15 are rendered moot by the present amendment to the independent claims.

The present amendment also sets forth new Claim 16, which depends from Claim 1, for examination on the merits. New Claim 16 clarifies that the second monitoring computer and the image handling device are arranged in a same local area network. New Claim 16 is supported by the originally filed specification and does not add new matter.⁴ See, in a non-limiting example, the resource administrator 530 shown in Figure 11.

Thus, it is respectfully submitted that independent Claims 1, 5, and 9 (and all associated dependent claims) patentably define over any proper combination of the '127, '711, '262, '289, and '286 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
KMB/rac

Kurt M. Berger

James J. Kulbaski
Attorney of Record
Registration No. 34,648
Kurt M. Berger, Ph.D.
Registration No. 51,461

⁴ See, e.g., Figure 11 and the discussion related thereto in the specification.